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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,931	10/18/2004	Kenji Narumi	10873.1565USWO	2525

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EXAMINER

CHOW, VAN NGUYEN

ART UNIT	PAPER NUMBER
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2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/511,931	Applicant(s) NARUMI ET AL.	
	Examiner VAN N. CHOW	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 63-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 63-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/18/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed on 6/03/2009 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. Claims 63-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoji (US 6,101,159) in view of Yokoi (US 6,459,666).

Regarding claim 63, Yokoi discloses an optical information recording method for recording information onto an optical information recording medium, the method comprising: a recording pulse correction step of correcting a predetermined number of elements in order to form a recording mark in a predetermined position (see fig. 4b, shows the tables before correction, wherein symbols 3S3M, 4S3M, and so forth in the tables in the Fig. 4a are type of address, and are indicative of the signal type as well as the value written to that address); wherein in the recording pulse correction step, the number of elements to be corrected is determined by *a recording density* of the optical information recording medium (see Fig. 4, wherein each length of the marks or spaces is determined by *a recording density* of the optical information recording medium. Note: the instance Application discloses there are two type of recording densities, one with a minimum length if 0.35.mu, and the second one with a minimum mark length of 0.55.m.u. Also, noted that the claim recites *only one* recording density ("a recording density"))).

Yokoi discloses the setting values of the front edge position of the top heating pulse, the rear edge position of the tail heating pulse, and the recording power Pw are updated in accordance with the Recording linear velocity in order to change the setting values of the three ratios Ttop, Ttail, and p. Therefore, the combination of Shoji and Yokoi, discloses the recording

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pulse correction step, the number of elements to be corrected is change depending on *a recording density* of the optical information recording medium (see col. 17, lines 58-65 (the setting of the recording power, in a case where an optimal recording power (P_{wmin}) of 9.0 mW is obtained by trial writing at the minimum recording linear density in the innermost circumference position, a recording power of 13.6 mW can be obtained as the optimal recording power (P_{wmax}) at the maximum recording linear density in the outermost circumference position by increasing the ratio ρ up to 1.50 (P_{max}) and col. 24, lines 25-33).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide number of elements to be corrected is change depending on *a recording density* of the optical information recording medium in Shoji as suggested by Yokoi, the motivation being in order to easily obtain the optimal values recording power at any recording point for optical disks having different sensitivity levels and to thus realize jitter-reduced uniform recording (see Yokoi col. 17 line 67- col. 18, line 3).

Regarding claim 64, the combination of Shoji and Yoiko, discloses the optical information recording method according to claim 69, the first recording density is higher than the second recording density, and the second number of elements is smaller than the first number of elements (see Yokoi fig. 19, col. 17, lines 58-65 and col. 24, lines 25-33, because Yokoi discloses the first recording density is higher than the second recording density, it is inherently that the second number of elements is smaller than the first number of elements (see Shoji fig. 4).

Regarding claim 67, the combination of Shoji and Yoiko, discloses an information recording medium onto which the data are recorded by recording a mark by the optical information recording method according to claim 63 (see Shoji abstract and figs. 4, 5).

Regarding claim 68, the combination of Shoji and Yoiko, discloses a reproducing method comprising: reproducing data by reading a mark recorded on a recording medium by the optical information recording method according to claim 63 (see Shoji abstract, col. 11, line 61- col. 12, line 4, and col. 13, lines 1-45).

Regarding claim 69, the combination of Shoji and Yoiko, discloses the optical information recording method according to claim 63, wherein the method comprises performing recording at least at a first recording density and a second recording density that is different from the first recording density, and in the recording pulse correction step, a first number of elements, which is the number of the elements to be corrected when recording at the first recording density, is different from a second number of elements, which is the number of the elements to be corrected when recording at the second recording density (see Shoji fig. 4 and Yokoi fig. 19(see col. 17, lines 58-65 (the setting of the recording power, in a case where an optimal recording power (P_{wmin}) of 9.0 mW is obtained by trial writing at the minimum recording linear density in the innermost circumference position, a recording power of 13.6 mW can be obtained as the optimal recording power (P_{wmax}) at the maximum recording linear density in the outermost circumference position by increasing the ratio ρ up to 1.50 (P_{max}) and col. 24, lines 25-33)).

Regarding claims 65-66 and 70, see rejection above of claims 63-64 and 69, respectively.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN N. CHOW whose telephone number is (571)272-7590. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Van N. Chow/

Examiner, Art Unit 2627

/Wayne Young/

Supervisory Patent Examiner, Art Unit 2627